

4070. Adulteration and misbranding of "Monogram Mustard Horse-Radish." U. S. * * *
v. Knadler & Lucas, a corporation. Plea of guilty. Fine, \$25 and costs. (F. & D.
No. 5738. I. S. No. 2012-e.)

On December 1, 1914, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Knadler & Lucas, a corporation, Louisville, Ky., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 23, 1912, from the State of Kentucky into the State of Oklahoma, of a quantity of "Monogram Mustard Horse-Radish" which was adulterated and misbranded. The article was labeled: (On jar) "Monogram Mustard Horse-Radish KL Put up by Knadler & Lucas Louisville, Ky." (Neck label) "Qualite Superieure Preserved with 1/10 of 1% Benzoate Sodium." (On shipping package) "2 doz. No. 8 Imperial Mustard Horse Radish Packed by Knadler & Lucas Inc. Louisville, Ky. U. S. A."

Examination of a sample of the product by the Bureau of Chemistry of this department showed that said product contained turmeric and a large amount of charlock.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, charlock, otherwise known as wild mustard, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a substance, to wit, charlock, otherwise known as wild mustard, had been substituted in whole or in part for mustard horse-radish which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Mustard Horse-Radish," borne on the label of the article, was false and misleading in that it purported and represented said article to be a genuine mustard horse-radish, whereas, in truth and in fact, said article was not a genuine mustard horse-radish, but was a mixture of mustard horse-radish and charlock, otherwise known as wild mustard. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, "Mustard Horse-Radish," whereas, in truth and in fact, it was not mustard horse-radish, but was a mixture of mustard horse-radish and charlock, otherwise known as wild mustard.

On March 9, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 20, 1915.